

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment filed on 1-29-02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RESUBMIT THE ENTIRE AMENDMENT):

- 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: Applicant must submit a clearer response on what needs to be done there is underscoring in the clean 1&28.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/phg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Vina Sugis
Legal Instruments Examiner (LIE)

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MAR 20 2002

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GROUP 1600

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Pages: 5 with this she t

Date: March 19, 2002

Attached is the Response to Notice of Noncompliance along with a clean copy of the claims. The marked-up version is in the prior Response to the Restriction Requirement.

Glenna Hendricks
Glenna Hendricks

OFFICIAL

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Applicant: Charles L. Turnbough GROUP 1600
Serial N.: 09/229,751
Filed January 14, 1999
For: PEPTIDE LIGANDS THAT BIND TO SURFACES OF BACTERIAL SPORES

Response to Notice of Non-Compliant Amendment *# 25 (RE)
B1998
1-8-03*

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

Attached hereto is a clean copy of the claims. The complaint of the Legal Instruments Examiner mentions the underscoring in the claims. The underscoring is appropriate in naming of organisms according the scientific nomenclature. The claims were written as replacement claims in the first place in order to avoid underscoring in amended claims so that there would be no confusion.

It is respectfully asserted that the claims are in compliance with usual scientific terminology relating to organisms as represented in the literature. As such, it is requested that the clean copy of the claims as presented be accepted.

Respectfully submitted,

OFFICIAL

Glenna Hendricks
Glenna Hendricks, Reg. No. 32,535